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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 23 August 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

As Israel, the occupying Power, continues to wage its military campaign and to carry out its illegal policies and practices against the Palestinian people, living conditions and the situation on the ground throughout the Occupied Palestinian Territory, including East Jerusalem, continue to deteriorate, compounding the already dire humanitarian crisis. The occupying Power also continues to wage a campaign of brutal oppression against the thousands of Palestinian civilians it continues to detain or imprison, whose conditions continue to be a matter of grave concern.

As conveyed in our letter of 19 August 2004, more than 2,000 of the Palestinian detainees and prisoners are continuing their hunger strike in a non-violent protest of the deplorable conditions and treatment to which they are being subjected at the hands of the occupying Power. The hunger strike was undertaken more than a week ago by the detainees and prisoners to draw attention to the inhumane and humiliating conditions in which they are being held with the aim of securing from the Israeli occupying forces more humane conditions and treatment, including, inter alia, the right to family visits, an end to arbitrary and indiscriminate beatings, an end to prolonged periods of solitary confinement and isolation and access to adequate health care and medical treatment.

The immediate response of the occupying Power to the hunger strike has further aggravated and inflamed the situation. Israel's Public Security Minister, Tzachi Hangebi, has been quoted as callously stating, "The prisoners can strike for a day, a month, even starve to death, as far as I am concerned. We will ward off this strike and it will be as if it never happened." He emphasized that he has no intention of easing the conditions being protested. Indeed, on the contrary, Israel's response to the strike has been the imposition of even more restrictions on the detainees and prisoners, including the removal of radios and televisions, denial of access to newspapers and cancellation of family visits, and several more of the detainees have now been placed into solitary confinement.

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Since September 2000, the Israeli occupying forces have been carrying out raids and arbitrary arrests of Palestinian civilians throughout the Occupied Palestinian Territory on an almost daily basis, with a constant fluctuation in the number of Palestinians being held by the occupying Power at any one point. Currently, more than 7,000 Palestinian civilians are being confined in Israeli military detention centres, prison camps and jails, including many women and children. In this regard, the latest figures indicate that there are currently 380 Palestinian children under the age of 18 years old and 106 Palestinian women, 20 of them mothers, being held in Israeli detention centres and prisons. The Palestinian detainees and prisoners are being illegally held by the occupying Power, the majority of them without charge or trial and without access to legal assistance or their families. They are being held in unhygienic and unsanitary conditions and are being subjected to degrading, inhumane and brutal treatment, including physical and psychological harassment, punishment and abuse and, in many cases, even torture. Moreover, the occupying Power routinely illegally transfers Palestinian detainees and prisoners in the occupied Palestinian territory to centres and prisons in Israel, leaving their families and lawyers without any knowledge of their location.

All such policies and practices by Israel, the occupying Power, are being carried out in grave violation of its obligations under international law, including in particular international humanitarian law and human rights law. In this regard, it is imperative to recall that, in accordance with article 76 of the Fourth Geneva Convention, which is applicable to the Occupied Palestinian Territory, including East Jerusalem, "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country. They shall receive the medical attention required by their state of health. They shall also have the right to receive any spiritual assistance which they may require. Women shall be confined in separate quarters and shall be under the direct supervision of women. Proper regard shall be paid to the special treatment due to minors. Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143. Such persons shall have the right to receive at least one relief parcel monthly." In addition to the flagrant violation of the Fourth Geneva Convention, the actions of the occupying Power in this regard are in violation of relevant provisions of the International Covenant on Civil and Political Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

The international community must undertake concerted efforts to ensure that Israel, the occupying Power, abides by all of its legal obligations under international law, including its obligations vis-à-vis the thousands of Palestinian civilians it continues to detain and imprison. The occupying Power must ensure adequate food, hygiene and sanitation for the detainees and prisoners, must completely cease all acts of physical abuse, harassment and torture of detainees and prisoners, must ensure them access to their families and lawyers and must ensure the access of international medical and humanitarian organizations to monitor their well-being and provide assistance.

This letter is in follow-up to our previous 197 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 19 August 2004 (A/ES-10/277-S/2004/668), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations